

Notice of Allowability

Application No.

10/623,731

Examiner

Jason L. Savage

Applicant(s)

TOWATA ET AL.

Art Unit

1775

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. This communication is responsive to Amendment filed 11-1-05.
2. The allowed claim(s) is/are 1-3,5 and 8-12.
3. Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All
 - b) Some*
 - c) None of the:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
1) hereto or 2) to Paper No./Mail Date _____.
 - (b) including changes required by the attached Examiner's Amendment / Comment or in the Office action of
Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).

6. DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. Notice of References Cited (PTO-892)
2. Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date 20050808
4. Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. Notice of Informal Patent Application (PTO-152)
6. Interview Summary (PTO-413),
Paper No./Mail Date 20051208
7. Examiner's Amendment/Comment
8. Examiner's Statement of Reasons for Allowance
9. Other _____.

Deborah Jones
DEBORAH JONES

SUPERVISORY PATENT EXAMINER

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Andrew Chow on 12-8-05.

The application has been amended as follows:

In claim 1, line 6, delete "a least" and insert therefore --at least--.

In claim 1, line 7, delete "Ce, Y and Ca" and insert therefore --Ce and Y--.

The following is an examiner's statement of reasons for allowance:

The prior art teaches a multilayered hydrogen absorbing bodies comprising at least two types of hydrogen absorbing materials which are laminated. Such a laminate construction would inherently exhibit different degrees of strain caused by absorption/desorption of hydrogen such as is claimed given that they differ in material composition. The prior art further teaches multilayered hydrogen absorbing bodies wherein at least one of the materials is formed of magnesium.

The prior art such as Kawabe et al (US 6,329,076) teaches such a laminate structure wherein the magnesium may be an alloy of magnesium and calcium as well as an alloy of magnesium and silicon (Table 2, examples 5 and 15).

The prior art of JP'576 (JP 2002-105576) teaches a laminate structure wherein one of the layers may be magnesium or magnesium alloy (abstract), however it does

not teach or suggest what alloying elements would be suitable for use in the laminate structure.

The prior art also teaches that a wide variety of magnesium alloys are known to act as hydrogen absorbing materials including alloys of the materials which are claimed. However, the prior art does not teach or suggest a multilayered hydrogen absorbing body wherein at least one of the material layers is a magnesium alloyed with one of the elements in the ratios which is claimed. As was demonstrated Figure 2, when comparing samples 11 and 12 containing a magnesium alloy versus other samples containing magnesium alloys having compositions containing the claimed alloying elements, the composites of the presently claimed invention show an unexpectedly marked increase in hydrogen desorption.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason L. Savage whose telephone number is 571-272-1542. The examiner can normally be reached on M-F 6:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Deborah Jones can be reached on 571-272-1535. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Jason Savage
12-8-05


DEBORAH JONES
SUPERVISORY PATENT EXAMINER